THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9605 of 2007

Date: 1.5.2007

Between:

Mohd. Nazeer Basha

….Petitioner

and

Secretary, Regional Transport Authority, Nellore

….Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9605 of 2007

O R D E R:

The petitioner is operating his vehicle bearing No.AP 26/U 1976, on a town service with Permit No.1/N/2007, issued by the respondent herein. He submitted an application before the respondent, seeking permission to release the vehicle, on the ground that it needs to be replaced by another. Through his memo dated 19.4.2007, the respondent rejected the request and took the view that the vehicle can be released, only when it is replaced by another, and not otherwise. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The very purpose of granting permit, enabling the owner of the vehicle to operate it on a route, is to ensure that the travelling public are provided with the transport facility. Once a vehicle is granted such permit, the holder thereof cannot be withdrawn it. The Motor Vehicles Act and Rules made thereunder, provided for replacement of vehicle, wherever the permit holder wants. There is no provision, which enables the permit holder to seek release of the vehicle, without replacing it with another. Such a course would result in defeating the very purpose of granting the permit. If the vehicle owned by the

petitioner, at present, needs major repairs and he is not able to replace it with another, he can certainly seek release of the vehicle, paving the way for the respondents, to grant permit in favour of the owner of another vehicle.

Hence, the writ petition is disposed of, directing that in case the petitioner insists that his vehicle be released for major repairs and he is not able to replace it with another vehicle, the respondent shall accede to such request, and he may, in turn, grant temporary permit, on the same route, in favour of the owner of another vehicle, in accordance with law. The permit, which remains with the petitioner shall be liable to be dealt with, in accordance with the provisions of the Motor Vehicles Act and Rules made thereunder. In case the petitioner fails to replace a proper and otherwise fit vehicle, within four months, from the date of release, the permit shall lapse. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

1.5.2007
Note: CC in three days.
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cvm